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Trustee of the Highland Litigation Sub-Trust*

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

In re:

HIGHLAND CAPITAL MANAGEMENT, L.P.,<sup>1</sup>  
  
Reorganized Debtor.

Chapter 11

Case No. 19-34054-sgj11

MARC S. KIRSCHNER, AS LITIGATION  
TRUSTEE OF THE LITIGATION SUB-TRUST,

Plaintiff,

v.

Adv. Pro. No. 21-03076-sgj

JAMES D. DONDERO; MARK A. OKADA;  
SCOTT ELLINGTON; ISAAC LEVENTON;  
GRANT JAMES SCOTT III; FRANK  
WATERHOUSE; STRAND ADVISORS, INC.;  
NEXPOINT ADVISORS, L.P.; HIGHLAND  
CAPITAL MANAGEMENT FUND ADVISORS,  
L.P.; DUGABOY INVESTMENT TRUST AND  
NANCY DONDERO, AS TRUSTEE OF  
DUGABOY INVESTMENT TRUST; GET GOOD  
TRUST AND GRANT JAMES SCOTT III, AS  
TRUSTEE OF GET GOOD TRUST; HUNTER  
MOUNTAIN INVESTMENT TRUST; MARK &

<sup>1</sup> The Reorganized Debtor's last four digits of its taxpayer identification number are (6725). The headquarters and service address for the above-captioned Reorganized Debtor is 100 Crescent Court, Suite 1850, Dallas, TX 75201.

PAMELA OKADA FAMILY TRUST – EXEMPT TRUST #1 AND LAWRENCE TONOMURA AS TRUSTEE OF MARK & PAMELA OKADA FAMILY TRUST – EXEMPT TRUST #1; MARK & PAMELA OKADA FAMILY TRUST – EXEMPT TRUST #2 AND LAWRENCE TONOMURA IN HIS CAPACITY AS TRUSTEE OF MARK & PAMELA OKADA FAMILY TRUST – EXEMPT TRUST #2; CLO HOLDCO, LTD.; CHARITABLE DAF HOLDCO, LTD.; CHARITABLE DAF FUND, LP.; HIGHLAND DALLAS FOUNDATION; RAND PE FUND I, LP, SERIES 1; MASSAND CAPITAL, LLC; MASSAND CAPITAL, INC.; SAS ASSET RECOVERY, LTD.; AND CPCMC, LLC,

Defendants.

**NOTICE OF AGENDA OF MATTERS SCHEDULED FOR  
HEARING ON MARCH 17, 2022 AT 1:30 P.M. (CENTRAL TIME)**

**This hearing will be held as a Webex meeting.**

**For WebEx Video Participation/Attendance:**

Link: <https://us-courts.webex.com/meet/jerniga>

**For WebEx Telephonic Only Participation/Attendance:**

Dial-In: 1-650-479-3207

Meeting ID: 479 393 582

**Need help? Go to <http://help.webex.com>**

**REMINDERS FROM THE COURT**

1. Attendees should join the Webex hearing via cell phone, tablet, laptop, desktop, or landline telephone at least 10 minutes prior to the hearing time.
2. Attorneys who anticipate giving extensive legal argument and examining witnesses are strongly encouraged to use the video function (with actual witnesses required).
3. Caller participants who wish to speak during the hearing should key in the Attendee ID or Identity Code when prompted to do so. (The Attendee ID is available on the screen after the caller joins the web portion of the meeting.) Alternatively, the caller can key his/her phone number in to the screen to receive a call back from the Webex server. This will allow the Court to see the names of caller participants and this will greatly speed up

the appearance phase at the beginning of the hearing because the Judge can just quickly call roll at the start of the hearing instead of having lawyers possibly talk over each other in trying to appear.

**4. PLEASE USE THE MUTE FUNCTION WHEN YOU ARE NOT SPEAKING.**

5. Remember to state your name for the record each time before speaking.

6. Use headphones whenever possible, especially if using a desktop PC with external speakers.

7. During examination, attorneys and witnesses should use a separate camera and microphone.

8. Attendees may use the “share” button to easily share their screen or document with the group.

### **CONTESTED MATTERS**

1. **Former Employee Defendants’ Motion to Withdraw the Reference** – Motion of Scott Ellington, Isaac Leventon, Frank Waterhouse, and CPCMC, LLC (collectively, the “Former Employee Defendants”) to Withdraw the Reference for the Causes of Action in the Complaint Asserted Against the Former Employee Defendants [Filed: 1/18/22] (Docket No. 27).

Response Deadline: March 4, 2022 at 12:00 p.m. (Central Time).

Responses Received:

- a) The Litigation Trustee’s Response in Opposition to Defendants’ Motions to Withdraw the Reference [Filed: 3/4/22] (Docket No. 95).
  - i) The Litigation Trustee’s Unopposed Motion for Leave to File a Brief in Excess of Twenty-Five Pages [Filed: 3/1/22] (Docket No. 89).
  - ii) [Signed] Order Granting the Litigation Trustee’s Unopposed Motion for Leave to File a Brief in Excess of Twenty-Five Pages [Filed: 3/2/22] (Docket No. 90).

Replies Filed:

- a) The Former Employee Defendants’ Reply on Support of the Motion to Withdraw the Reference [Filed: 3/14/22] (Docket No. 108).

Related Documents:

- a) Brief in Support of Motion to Withdraw the Reference for the Causes of Action in the Complaint Asserted Against the Former Employee Defendants [Filed: 1/18/22] (Docket No. 28).

- b) Clerk's correspondence requesting to file status conference hearing [Filed: 1/20/22] (Docket No. 31).
- c) Notice of Status Conference [Filed: 1/21/22] (Docket No. 33).
- d) Notice of Transmittal Regarding Withdrawal of Reference (N.D. Tex., 3:22-cv-0203-S) [Filed: 1/28/22] (Docket No. 62).
- e) Stipulation Regarding Defendants' Motions to Withdraw the Reference [Filed: 1/31/22] (Docket No. 65).
- f) Amended Notice of Status Conference [Filed: 1/31/22] (Docket No. 67).
- g) Defendants' Hunter Mountain Investment Trust and Rand PE Fund I, LP, Series 1's Nominal Joinder in Multiple Pending Motions to Withdraw the Reference [Filed: 2/1/22] (Docket No. 71).
- h) [Signed] Order Approving Stipulation Regarding Defendants' Motions to Withdraw the Reference [Filed: 2/11/22] (Docket No. 81).
- i) [Signed] Order Resetting Status Conferences [Filed: 3/11/22] (Docket No. 101).
- a) Former Employee Defendants' Witness and Exhibit List with Respect to Hearing to Be Held on March 17, 2022 [Filed: 3/14/22] (Docket No. 109).

Status: This matter will go forward as a status conference.

2. **Okada Defendants' Motion to Withdraw the Reference** – Motion of the Okada Parties to Withdraw the Reference [Filed: 1/21/22] (Docket No. 36).

Response Deadline: March 4, 2022 at 12:00 p.m. (Central Time).

Responses Received:

- a) The Litigation Trustee's Response in Opposition to Defendants' Motions to Withdraw the Reference [Filed: 3/4/22] (Docket No. 95).
  - i) The Litigation Trustee's Unopposed Motion for Leave to File a Brief in Excess of Twenty-Five Pages [Filed: 3/1/22] (Docket No. 89).
  - ii) [Signed] Order Granting the Litigation Trustee's Unopposed Motion for Leave to File a Brief in Excess of Twenty-Five Pages [Filed: 3/2/22] (Docket No. 90).

Replies Filed:

- a) Reply in Support of the Okada Parties' Motion to Withdraw the Reference [Filed: 3/14/22] (Docket No. 105).

Related Documents:

- a) Memorandum of Law in Support of the Okada Parties' Motion to Withdraw the Reference [Filed: 1/21/22] (Docket No. 37).
- b) Clerk's correspondence requesting to file status conference hearing [Filed: 1/26/22] (Docket No. 53).
- c) Notice of Status Conference [Filed: 1/28/22] (Docket No. 63).
- d) Stipulation Regarding Defendants' Motions to Withdraw the Reference [Filed: 1/31/22] (Docket No. 65).
- e) Notice of Transmittal Regarding Withdrawal of Reference (N.D. Tex., 3:22-cv-0229-G) [Filed: 2/1/22] (Docket No. 69).
- f) Defendants' Hunter Mountain Investment Trust and Rand PE Fund I, LP, Series 1's Nominal Joinder in Multiple Pending Motions to Withdraw the Reference [Filed: 2/1/22] (Docket No. 71).
- g) [Signed] Order Approving Stipulation Regarding Defendants' Motions to Withdraw the Reference [Filed: 2/11/22] (Docket No. 81).
- h) [Signed] Order Resetting Status Conferences [Filed: 3/11/22] (Docket No. 101).
- b) The Okada Parties' Witness and Exhibit List with Respect to Hearing to Be Held on March 17, 2022 [Filed: 3/14/22] (Docket No. 110).

Status: This matter will go forward as a status conference.

3. **NexPoint and HCMFA Motion to Withdraw** – Motion of NexPoint Advisors, L.P. and Highland Capital Management Fund Advisors, L.P. to Withdraw the Reference for the Causes of Action in the Complaint Asserted Against Defendants [Filed: 1/21/22] (Docket No. 39).

Response Deadline: March 4, 2022 at 12:00 p.m. (Central Time).

Responses Received:

- a) The Litigation Trustee's Response in Opposition to Defendants' Motions to Withdraw the Reference [Filed: 3/4/22] (Docket No. 95).
  - i) The Litigation Trustee's Unopposed Motion for Leave to File a Brief in Excess of Twenty-Five Pages [Filed: 3/1/22] (Docket No. 89).
  - ii) [Signed] Order Granting the Litigation Trustee's Unopposed Motion for Leave to File a Brief in Excess of Twenty-Five Pages [Filed: 3/2/22] (Docket No. 90).

Replies Filed:

- a) Reply of Defendants NexPoint and HCMFA in Support of Motion to Withdraw the Reference [Filed: 3/14/22] (Docket No. 103).

Related Documents:

- a) Memorandum in Support of Defendants NexPoint Advisors, L.P. and Highland Capital Management Fund Advisors, L.P.'s Jury Demand and Motion to Withdraw the Reference [Filed: 1/21/22] (Docket No. 40).
- b) Clerk's correspondence requesting to file status conference hearing [Filed: 1/26/22] (Docket No. 54).
- c) Notice of Status Conference [Filed: 1/28/22] (Docket No. 64).
- d) Stipulation Regarding Defendants' Motions to Withdraw the Reference [Filed: 1/31/22] (Docket No. 65).
- e) Defendants' Hunter Mountain Investment Trust and Rand PE Fund I, LP, Series 1's Nominal Joinder in Multiple Pending Motions to Withdraw the Reference [Filed: 2/1/22] (Docket No. 71).
- f) Notice of Transmittal Regarding Withdrawal of Reference (N.D. Tex., 3:22-cv-0253-E) [Filed: 2/2/22] (Docket No. 79).
- g) [Signed] Order Approving Stipulation Regarding Defendants' Motions to Withdraw the Reference [Filed: 2/11/22] (Docket No. 81).
- h) [Signed] Order Resetting Status Conferences [Filed: 3/11/22] (Docket No. 101).
- c) NexPoint Advisors, L.P. and Highland Capital Management Fund Advisors, L.P.'s Witness and Exhibit List with Respect to Hearing to Be Held on March 17, 2022 [Filed: 3/14/22] (Docket No. 111).

Status: This matter will go forward as a status conference.

- 4. **Dondero Defendants' Motion to Withdraw the Reference** – Defendants James D. Dondero, Dugaboy Investment Trust, Get Good Trust, and Strand Advisors, Inc.'s Motion to Withdraw the Reference [Filed: 1/25/22] (Docket No. 45).

Response Deadline: March 4, 2022 at 12:00 p.m. (Central Time).

Responses Received:

- a) The Litigation Trustee's Response in Opposition to Defendants' Motions to Withdraw the Reference [Filed: 3/4/22] (Docket No. 95).

- i) The Litigation Trustee's Unopposed Motion for Leave to File a Brief in Excess of Twenty-Five Pages [Filed: 3/1/22] (Docket No. 89).
- ii) [Signed] Order Granting the Litigation Trustee's Unopposed Motion for Leave to File a Brief in Excess of Twenty-Five Pages [Filed: 3/2/22] (Docket No. 90).

Replies Filed:

- a) The Dondero Defendants' Reply in Support of Motion to Withdraw the Reference [Filed: 3/14/22] (Docket No. 106).

Related Documents:

- a) Defendants James D. Dondero, Dugaboy Investment Trust, Get Good Trust, and Strand Advisors, Inc.'s Memorandum of Law in Support of Motion to Withdraw the Reference [Filed: 1/25/22] (Docket No. 46).
- b) Clerk's correspondence requesting to file status conference hearing [Filed: 1/26/22] (Docket No. 56).
- c) Stipulation Regarding Defendants' Motions to Withdraw the Reference [Filed: 1/31/22] (Docket No. 65).
- d) Defendants' Hunter Mountain Investment Trust and Rand PE Fund I, LP, Series 1's Nominal Joinder in Multiple Pending Motions to Withdraw the Reference [Filed: 2/1/22] (Docket No. 71).
- e) [Signed] Order Approving Stipulation Regarding Defendants' Motions to Withdraw the Reference [Filed: 2/11/22] (Docket No. 81).
- f) Clerk's correspondence requesting to file status conference hearing [Filed: 2/14/22] (Docket No. 84).
- g) Notice of Status Conference [Filed: 2/14/22] (Docket No. 85).
- h) Notice of Transmittal Regarding Withdrawal of Reference (N.D. Tex., 3:22-cv-0367-B) [Filed: 2/15/22] (Docket No. 86).
- i) [Signed] Order Resetting Status Conferences [Filed: 3/11/22] (Docket No. 101).
- j) The Dondero Defendants' Witness and Exhibit List with Respect to Hearing to Be Held on March 17, 2022 [Filed: 3/14/22] (Docket No. 112).

Status: This matter will go forward as a status conference.

5. **Scott Motion to Withdraw the Reference** – Defendant Grant James Scott’s Motion to Withdraw Reference [Filed: 1/26/22] (Docket No. 50).

Response Deadline: March 4, 2022 at 12:00 p.m. (Central Time).

Responses Received:

- a) The Litigation Trustee’s Response in Opposition to Defendants’ Motions to Withdraw the Reference [Filed: 3/4/22] (Docket No. 95).
- i) The Litigation Trustee’s Unopposed Motion for Leave to File a Brief in Excess of Twenty-Five Pages [Filed: 3/1/22] (Docket No. 89).
- ii) [Signed] Order Granting the Litigation Trustee’s Unopposed Motion for Leave to File a Brief in Excess of Twenty-Five Pages [Filed: 3/2/22] (Docket No. 90).

Replies Filed: None.

Related Documents:

- a) Defendant Grant James Scott’s Brief in Support of Motion to Withdraw Reference [Filed: 1/26/22] (Docket No. 51).
- b) Clerk’s correspondence requesting to file status conference hearing [Filed: 1/26/22] (Docket No. 58).
- c) Stipulation Regarding Defendants’ Motions to Withdraw the Reference [Filed: 1/31/22] (Docket No. 65).
- d) Defendants’ Hunter Mountain Investment Trust and Rand PE Fund I, LP, Series 1’s Nominal Joinder in Multiple Pending Motions to Withdraw the Reference [Filed: 2/1/22] (Docket No. 71).
- e) Notice of Status Conference [Filed: 2/2/22] (Docket No. 72).
- f) [Signed] Order Approving Stipulation Regarding Defendants’ Motions to Withdraw the Reference [Filed: 2/11/22] (Docket No. 81).
- g) Notice of Transmittal Regarding Withdrawal of Reference (N.D. Tex., 3:22-cv-0369-L) [Filed: 2/15/22] (Docket No. 87).
- h) [Signed] Order Resetting Status Conferences [Filed: 3/11/22] (Docket No. 101).

Status: This matter will go forward as a status conference.



6. **Charitable Defendants' Motion to Withdraw the Reference** – Motion of CLO HoldCo, Ltd. ("CLO HoldCo"), Charitable DAF HoldCo, Ltd. ("DAF HoldCo"), Charitable DAF Fund, L.P. ("DAF Fund"), and Highland Dallas Foundation ("HDF," together with CLO HoldCo, DAF HoldCo, DAF Fund, and HDF, the "Charitable Defendants") to Withdraw the Reference [Filed: 1/26/22] (Docket No. 59).

Response Deadline: March 4, 2022 at 12:00 p.m. (Central Time).

Responses Received:

- a) The Litigation Trustee's Response in Opposition to Defendants' Motions to Withdraw the Reference [Filed: 3/4/22] (Docket No. 95).
- i) The Litigation Trustee's Unopposed Motion for Leave to File a Brief in Excess of Twenty-Five Pages [Filed: 3/1/22] (Docket No. 89).
- ii) [Signed] Order Granting the Litigation Trustee's Unopposed Motion for Leave to File a Brief in Excess of Twenty-Five Pages [Filed: 3/2/22] (Docket No. 90).

Replies Filed:

- a) Reply of Charitable Defendants in Support of Motion to Withdraw the Reference [Filed: 3/14/22] (Docket No. 104).

Related Documents:

- d) Stipulation Regarding Defendants' Motions to Withdraw the Reference [Filed: 1/31/22] (Docket No. 65).
- e) Notice of Status Conference [Filed: 1/31/22] (Docket No. 66).
- f) Defendants' Hunter Mountain Investment Trust and Rand PE Fund I, LP, Series 1's Nominal Joinder in Multiple Pending Motions to Withdraw the Reference [Filed: 2/1/22] (Docket No. 71).
- g) [Signed] Order Approving Stipulation Regarding Defendants' Motions to Withdraw the Reference [Filed: 2/11/22] (Docket No. 81).
- h) Notice of Transmittal Regarding Withdrawal of Reference (N.D. Tex., 3:22-cv-0370-G) [Filed: 2/16/22] (Docket No. 88).
- i) [Signed] Order Resetting Status Conferences [Filed: 3/11/22] (Docket No. 101).
- j) Charitable Defendants' Witness and Exhibit List with Respect to Hearing to Be Held on March 17, 2022 [Filed: 3/14/22] (Docket No. 107).

Status: This matter will go forward as a status conference.

Dated: March 16, 2022

Respectfully submitted,

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